REMARKS/ARGUMENTS

This application has been carefully considered in light of the non-Final Office Action mailed July 9, 2004 and a personal interview with the Examiner on September 14, 2004. The undersigned attorney thanks the Examiner for extending the courtesy of the personal interview.

In the non-Final Office Action of July 9, 2004, the Examiner has rejected claims 1-5, 7, 13, 14, 16, 17, 20-22, 24, 25 and 27 under 35 U.S.C. §112, second paragraph as being indefinite. In this respect, the Examiner indicated that the phrase "fits within and snugly engages" was unclear. It was suggested in the Office Action to use the phrase "adapted to fit within and snugly engage". This language has been incorporated into claims 2 and 14 which are the remaining independent claims of the application.

In light of the foregoing amendment to the claims reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as being directly anticipated by US Patent 6,006,944 to Machledt. Claims 1, 2 and 5 have been rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over US Patent 4,344,505 to Waters et al. when considered in view of US Patent 4,048,926

to Brush, Jr. et al.

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over Waters et al. and Brush, Jr. et al. when further considered in view of US Patent 4,832,153 to Daw et al. Claim 4 has been rejected over a combination of Waters et al. and Brush, Jr. et al. when further considered in view of US Patent 3,896,595 to Anghinetti et al.

Claim 7 has been rejected over Waters et al. and Brush, Jr. et al. when further considered in view of the teachings of US Patent 4,281,743 to Fuller and US Patent 5,628,158 to Porter.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Waters et al. and Brush, Jr. et al. when further considered in view of Fuller and Porter.

Claims 14 and 27 have been rejected over the primary combination of Waters et al. and Brush, Jr. et al.

Claim 16 has been rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over the combination of Waters et al. and Brush, Jr. et al. when further considered in view of US Patent 4,302,126 to Fier. Claims 17 and 20 have been rejected over the combination of Waters et al. and Brush, Jr. et al. when further considered in view of US Patent 4,591,022 to Scianbi et al.

Claim 21 has been rejected under 35 U.S.C. § 103(a) as being

obvious over the combination of Waters et al. and Brush, Jr. et al. and Scianbi et al. when further considered in view of US Patent 3,896,595 to Anghinetti et al.

Claim 22 has been rejected as being obvious over the combination of Waters et al. and Brush, Jr. et al. and further in view of the teachings of the reference to Anghinetti et al. and Claim 24 has been rejected as being obvious over the combination of Waters et al. and Brush, Jr. et al. when further considered in view of the references to Fuller and Porter.

Claim 25 has been rejected over the primary combination of Waters et al. and Brush, Jr. et al. when further considered in view of the reference to Daw et al.

As discussed during the interview with the Examiner, the present invention, as defined by independent claims 2 and 14 which are remaining in the application, is directed to insulated covers for access openings associated with attic trap doors and/or pull down attic ladders wherein the covers are specifically designed to create first and second seals relative to the frame defining such opening. Such a double seal for use to insulate an opening into an attic is not disclosed by the prior art references taken alone or in combination.

The reference to Machledt has been considered, however, it is not believed to be analogous art in that it is directed to a

lid for a battery storage vault. The lid is hinged to the vault receptacle so as to be pivotal with respect thereto as is shown in the reference. Further, even though an insulation portion 36 is secured to an undersurface of the hinged closure 12, the reference specifically states that the insulation which depends from the cover is configured so as to project into a space 20 defined by the vault without interfering with the walls 18. Thus, there is clearance between the insulation 36 and the sidewalls. Such spacing would allow for pivotal movement of the cover.

In view of the foregoing, the reference is first not believed to be analogous to an invention directed to an insulating cover for an attic access opening nor is the reference configured to create a double seal in a manner as is taught by the present invention.

In view of the foregoing, reconsideration of the grounds for rejection of claim 2 with respect to the reference to Machledt is respectfully requested.

The combination rejection of Waters et al. and Brush, Jr. et al. has also been considered, however, it is not believed to anticipate the invention as defined by claim 2. It is first respectfully submitted that the reference to Brush, Jr. et al. is non-analogous art in that it is directed to a safe having a door

which is designed to lock against the body of the safe. It is respectfully submitted that one of ordinary skill in the art of providing covers for access openings to attics would not look to the art of safes to develop an insulating closure structure. One would certainly not look to modify an existing closure cover as disclosed by Waters et al. by modifying the closure to incorporate elements of a door for use with an insulated safe.

Further, it is not believed that the combination can be easily made without altering the characteristics of the reference to Waters et al. which teaches away from the suggested combination. As discussed at the interview, the closure or cover 28 shown in Waters et al. is designed to be pivoted at 14 to a frame. If one were to secure a dependent portion to the cover 28 of the reference to Waters et al., such depending portion would interfere with the pivotal movement of the cover unless the depending portion was made small enough so as not to interfere with the frame. In such a case, the depending portion would then not function to create a seal as is defined by the structure of the present invention relative to the inner periphery of the frame.

Further, the reference to Waters et al. discloses a structure wherein a foldable staircase extends upwardly within the frame to which the cover is pivoted as shown in Fig. 2 of the

patent. It is noted that very little clearance is provided for providing a depending portion and thus would tend to suggest that one of ordinary skill in the art would not modify the Waters et al. structure to include a depending central portion for purposes of providing a seal as defined by the present invention.

In view of the foregoing, reconsideration of the rejection of claim 2 with respect to the combination of Brush, Jr. et al. and Waters et al. is respectfully requested.

As it is believed that the combination to Waters et al. and Brush, Jr. et al. does not anticipate claim 2, it is further respectfully submitted that the claims which depend from claim 2 are not anticipated by the other combinations indicated in the non-Final Office Action. None of the secondary references relied upon in combination with the primary references to Waters et al. and Brush, Jr. et al. define an insulated cover for an attic access opening which would define a first inner seal and second seal overlying the frame of the access opening as defined by claim 2. In light of the foregoing, the references taken alone or in combination do not anticipate claim 2 and therefore the claims which depend from claim 2 should be allowable for the same reasons as well as for the additional elements defined by each. The secondary references include the references to Daw et al., Anghinetti et al., Fuller and Porter.

Concerning the rejection of claims 14 and 27, with respect to the Waters et al. and Brush, Jr. et al., it is believed that claim 14 is clearly distinguishable with respect to the these patents for the same reasons as discussed with respect to claim 2. The combination is first not believed to be an obvious one as one of ordinary skill in the art of developing insulating covers for attic access openings would not look to a safe in order to modify of an existing cover for an access opening especially when the existing cover has structural elements which are not compatible with the feature which is to be combined therewith as suggested. In the present instance, the hinged cover 28 of the existing cover shown in Waters et al. as well as the lack of clearance within the frame 20 to which the cover is pivoted in order to provide room for a folding staircase are not compatible with a depending portion.

Further, even if the combination were made as suggested, the combination would not provide for a depending cover portion which provides a first seal for the same reasons as discussed above. Thus, the combination does not provide for a first seal along the inside of the frame and a second seal overlying the top of the frame as is set forth in claim 14.

With respect to the rejection of claim 16, it is respectfully submitted that the reference to Fier is not

obviously combinable with the references to Waters et al. nor Brush, Jr. et al. in order to create a structure as defined in claim 16. Fier is directed to a manhole cover which has a slight taper, however, there is no other structural indication how such a cover would be adapted to be combined with the teachings of the reference to Waters et al. in order to create a cover for an attic access opening having the tapered configuration as defined by claim 16 of the present invention.

Concerning the rejection of claims 17 and 20, over the combination of Waters et al. and Brush, Jr. et al. with Scianbi et al., the reference Scianbi et al. has been cited to show a structure having a dependent portion extending from the sidewalls and configured to enter the access opening to engage a structural frame. However, the structure disclosed is provided only for aligning purposes and is not generally continuous as is disclosed by the present invention. Further, the structure disclosed does not provide a frictional seat against the structural frame as defined by claim 17.

The remaining claims which depend from claim 14 are also believed to be distinguishable with respect to the combination of art as cited in the non-Final Office Action. Again, the primary references to Waters et al. and Brush, Jr. et al. do not define the invention set forth in claim 14 and therefore the additional

elements which have been referenced in the secondary references in combination with the primary references would not anticipate the dependent claims of the present application for the same reasons as discussed with respect to the primary references. None of the secondary references provides for the double seal as defined by claim 14.

In light of the foregoing, reconsideration of the grounds for rejection with respect to the claims pending in this application is respectfully requested. Should the Examiner have any further questions regarding the allowability of the claims with respect to the prior art, it would be appreciated if the Examiner would contact the undersigned attorney-of-record at the telephone number shown below.

The Examiner's attention is also directed to the new address of the attorney-of-record reflected below. Please address all future correspondence to the new address. The telephone number remains the same.

Respectfully submitted,

DOWELL & DOWELL, P.C.

By _____
Ralph A. Dowell, Reg. No. 26,868

DOWELL & DOWELL, P.C.
Suite 406, 2111 Eisenhower Avenue
Alexandria, VA 22314
Telephone - 703 415-2555
Facsimile - 703 415-2559
E-mail - dowell@dowellpc.com

Date: October 8, 2004